From: Fellabaum, Pamela
To: Maher, Jim; Strong, Greg
Cc: Mitchell, Cheryl L
Subject: Montco Enforcement from 2008
Date: Monday, June 4, 2018 9:12:00 AM
Attachments: 00004F3E.TIF
000036FC.TIF

I had Luke review the facility file this morning. He reminded me of a SFCO that was signed back in 2009. Attached is the report and SFCO for those violations.

Pam

file 9/30

Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

JUL 30 2008

Mr. Han Sunoo, President
Montco Research Products, Inc.
PO Box 235
Hollister, Florida 32147

Re: **Montco Research Products, Inc.**
Warning Letter WL08-2393HWSNY54NED
EPA/DEP ID: FLD 061 897 054
Putnam County - Hazardous Waste

Dear Mr. Sunoo:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A hazardous waste program compliance inspection conducted on April 25, 2008, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached inspection report. The "Summary of Potential Violations and Corrective Actions" section of the report lists the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

You are requested to contact Christopher Bodin at 904.807.3370 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The DEP is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. If after further investigation, the DEP's preliminary findings are verified, this matter may be resolved through the entry of Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the DEP's costs and expenses. In accordance with Section 403.727(3), Florida Statutes, the penalties, which could be assessed in hazardous waste cases, are up to $50,000 per day per violation. DEP costs are a minimum of $250.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through a timely entry of a Consent Order, under the DEP's agreement with the EPA, a formal referral for judicial action must be made to the DEP's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

Michael J. Fitzsimmons, Administrator
Waste Program

MJF:cb

Enclosure

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Compliance

FACILITY NAME: Montco Research Products, Inc.

DEP/EPA ID #: FLD 061 897 054

STREET ADDRESS: Janice Drive, Hollister, Florida 32147

MAILING ADDRESS: PO Box 235, Hollister, Florida 32147

COUNTY: Putnam PHONE: 386.325.5504 DATE: 4/25/08 TIME:10:00 a.m.

HW Facility Status	Used Oil Facility Status	Hg Facility Status
☐ Non-handler	☒ Generator	☒ Exempt
☐ CESQG	☐ Transporter	☐ Generator
☐ SQG	☐ Transfer facility	☐ Transporter
☒ LQG	☐ Marketer	
	☐ Processor	☐ Hg recovery facility
☐ Transporter	☐ On-spec. burner	☐ Hg reclamation facility
☐ Transfer facility	☐ Off-spec. burner	
		PCW facility status
☐ TSD	☐ Filter generator	☐ Producer
	☐ Filter transporter	☐ Transporter
☐ SQH	☐ Filter transfer facility	☐ Recovery facility
☐ LQH	☐ Filter processor	

2. RESPONSIBLE OFFICIAL: Han Sunoo, President

3. INSPECTION PARTICIPANTS: Terry Clayton, Montco

Christopher Bodin, DEP Ashwin Patel, DEP Missy Palcic, DEP

4. LATITUDE/LONGITUDE: N 29° 40′ 12.9″ / W 81° 47′ 30.6″

5. TYPE OF OWNERSHIP: private

6. SIC CODE: 2899

7. GLOSSARY OF TERMS:

CFR – Code of Federal Regulations

F.A.C. – Florida Administrative Code

F.S. – Florida Statutes

PROCESS DESCRIPTION (Potential Violations Listed in Bold):
Montco Research Products, Inc. (Montco) was inspected on April 25, 2008, as an unannounced hazardous waste compliance inspection. Montco was last inspected on January 19, 2001, as a Large Quantity Generator. The facility is currently operating as a Large Quantity Generator. The facility has been in operation at this location 1976.

Montco is a specialty chemical manufacturer that produces three chemical intermediate products in batch processes. Two of the products, chloromethyl-naphthalene (CMN) and ethylbenzylchloride (EBC) are regularly produced. The third product, alphanaphthaldehyde (ANA) is produced infrequently. The facility consists of an office building, a raw materials tank farm, an enclosed production building that houses the reactor and product distillation tanks within secondary containment, a laboratory, an equipment maintenance shop, a drum storage building, and a warehouse used to store equipment and some raw materials.

The raw materials used by Montco to produce these three products are considered confidential information. A list of these raw materials is in a confidential Department file. Constituents of the waste generated by the production process are not considered confidential because the waste manifests used by the facility to ship the waste for disposal are part of the public record.

INSPECTION:
Production Building
CMN is produced by adding proprietary raw materials to one of two 3000-gallon reactor tanks. The reaction process yields weak hydrochloric acid (HCL) and crude CMN. The crude CMN layer is pumped to a distillation tank. The distilled CMN is sold to customers that use it as an ingredient for making an oil well rust inhibitor. Some CMN is distilled twice for other customers that use it in formulating heart medication. The waste still bottoms become a solid at room temperature. The hot still bottoms are transferred to 55-gallon drums for disposal as non-hazardous waste. Giant Resource Recovery [SCD036275626] picked up 72 drums of CMN still bottoms on December 20, 2007.

The weak HCL is pumped to one of four 12,000-gallon storage tanks located in the tank farm. The weak HCL is regenerated by adding HCL gas to the weak HCL storage tank. The regenerated HCL is then reused in the production process. According to Mr. Clayton, the production process generates more HCL than is needed. The excess HCL is either sold as a product or disposed of as D002 waste when a reuse customer is not available. The last shipment of 4500 gallons of D002 waste HCL was on September 18, 2007.

The production of EBC is similar to the production of CMN. Proprietary raw materials are added to one of five reactor tanks. The reaction process yields a weak raw material solution layer and a crude EBC layer. The weak raw material fraction is strengthened through distillation and then returned to a EBC reactor process tank. Weak HCL is produced in this distillation step. The weak HCL is transferred to one of four 12,000-gallon HCL storage tanks located in the tank farm as described in the preceding paragraph.

The crude EBC layer is transferred to a separate distillation tank. The final liquid distillate is the EBC product which is sold for use as a disinfectant in a variety of products, such as shampoos and disposable wipes. The waste still bottoms are managed as D001/D018 waste and stored in a 3000-gallon above ground tank that is located inside the Production Building. At the time of the inspection, the waste EBC still bottom tank was labeled with the tank contents and accumulation date, but was not labeled with the words "Hazardous Waste."(Photo 1) **Failure to label hazardous waste accumulation containers/tanks with the words "Hazardous Waste" is a violation of 40 CFR 262.34(a)(3).**

The distillation process uses single feed, oil sealed, vacuum pumps. The twelve vacuum pumps are located in a covered secondary containment area next to the Production Building. Because the vacuum pump oil comes in contact with the EBC, the used oil is also managed as D001/D018 waste. Each vacuum pump has a satellite 55-gallon drum to collect the D001/D018 waste oil. At the time of the inspection, the waste oil satellite containers were not labeled. **Failure to properly label satellite hazardous waste accumulation containers with the words "Hazardous Waste" or with other words describing the contents is a violation of 40 CFR 262.34(c)(1)(ii).**

The waste oil is managed as D001/D018 waste and stored in a 1000-gallon above ground tank that is located inside the Production Building. **During the inspection it was observed that one of waste oil containers was full and some waste oil had overflowed down the side of the container and onto the secondary containment floor, which is a violation of 40 CFR 265.31.** According to Mr. Clayton, the maintenance staff was aware of the situation and was preparing to transfer the waste oil to the storage tank and clean up the waste oil residue. Mr. Clayton said the used absorbents were previously disposed of as nonhazardous waste. **Failure to make a hazardous waste determination on the waste oil absorbents prior to disposal is a violation of 40 CFR 262.11. A generator who offers for transportation, hazardous waste for offsite treatment, storage, or disposal that does not prepare a proper hazardous waste manifest is in violation of 40 CFR 262.20.** The waste oil and EBC still bottoms are combined in a tanker truck at the time of shipment. The facility generates and disposes of 3000 to 5000 gallons of D001 /D018 process waste every two months. The last shipment of D001/D018 oil and EBC still bottoms was picked up by Lone Star Industries [MOD981127319] on February 14, 2008.

The production of ANA is similar to the production of CMN. Proprietary raw materials are reacted in a 1000-gallon tank and then distilled. The ANA process generates a slightly acidic wastewater and waste still bottoms that are solid at room temperature. The still bottoms are disposed of as non-hazardous waste. The wastewater is neutralized and shipped offsite for disposal as non-hazardous waste with Industrial Water Services of Jacksonville. According to Mr. Clayton, the ANA product is a specialty chemical and infrequently produced. The facility has not produced any ANA in over a year.

Maintenance Shop

Repair and maintenance activities of pumps and motors are conducted in this building. Parts are cleaned with acetone or xylene on rags generating about two waste rags a month. Some aerosol products are also used, generating about one can every three months. According to Mr. Clayton, the used aerosol cans and used rags are disposed of in the trash non-hazardous waste. The non-empty aerosol cans would, at a minimum, be D001 waste. **[40 CFR 262.11] [40 CFR 262.20]** After the inspection, the facility provided information that an aerosol can puncturing unit will be used prior to disposal of the emptied cans as non-hazardous waste. The collected aerosol product residue will be managed as hazardous waste. [5/29/08 email]

Area of Concern: According to Mr. Clayton, the facility occasionally generates very small quantities of acetone and xylene and has disposed of the waste solvents in the EBC/waste oil. The facility is reminded that if any waste acetone or xylene is mixed with the EBC/waste oil for disposal, then waste codes D001 and F003 need to be listed on the waste container/tank label and the waste manifest.

HPLC Room

The facility conducts product testing in this analytical lab, which is located in the same building as the maintenance shop. Production samples are analyzed with gas chromatograph equipment. According to Mr. Clayton, the product samples are disposed of by adding to the D001/D018 waste oil.

Area of Concern: At the time of the inspection, two small bottles were observed inside the lab. One was an empty bottle labeled methanol and the other unlabeled bottle was identified as acetonitrile. The facility is reminded that all material determined to be hazardous waste should be stored in a labeled container. Waste methanol would carry the waste codes D001 and F003 and waste acetonitrile would have the waste code D001. The waste codes need to be listed on the hazardous waste storage container label and the waste disposal manifest. Also, during the inspection, the facility was storing above the HPLC Room, a 15-gallon container of xylenedichloride [CAS# 623-25-6]. According to Mr. Clayton, the product is not sold very often. The department recommends that

the facility periodically inspect the container's integrity and the quality of the product. The facility should conduct a hazardous waste determination prior to disposal of any waste xylenedichloride.

Drum Storage Building

The facility uses this covered building to store empty drums, raw materials, in-process product, and non-hazardous waste within secondary containment. According to Mr. Clayton, no hazardous waste is stored in this building. At the time of the inspection, many of the approximately 500 drums were not labeled, several were not in good condition, and the drums were not stored in a way that allowed proper inspection. **Also, there were three separate areas where material had been spilled onto the concrete floor, which is a violation of 40 CFR 265.31.** (Photos 2, 3, & 4)

Area of Concern: Without container labels and an up-to-date inventory Montco could not provide assurance that hazardous waste was not being stored or had not been released in the Drum Storage Building. The facility should maintain a written inventory of materials and containers being stored in the Drum Storage Building. The containers should be labeled and stored in a way that allows proper inspection. Routine inspections of the area should be conducted and any spilled material should be cleaned up as soon as possible. Montco is reminded that material being stored over one year may be subject to Speculative Accumulation regulations [40 CFR 261.1(c)(8)]

After the inspection, the facility has responded to the spills, provided a written inventory of all the containers being stored, and transferred 12 drums of identified CMN still bottoms to new drums for disposal as non-hazardous waste.

RECORD REVIEW:

All hazardous waste is being manifested under the facility's EPA ID# FLD 061 897 054. A review of the facility's manifests and Land Disposal Restriction (LDR) notifications revealed no discrepancies. A review of the facility's contingency plan and emergency arrangements with local authorities found them complete and up to date. The facility's training records indicated that employees had attended hazardous waste training. **At the time of the inspection, the facility could not provide documentation of inspections of hazardous waste storage areas which is a violation of 40 CFR 265.174.** Based upon the inspection and hazardous waste manifest records, Montco is currently a Large Quantity Generator (LQG) of hazardous waste.

SUMMARY OF POTENTIAL VIOLATIONS AND CORRECTIVE ACTIONS:

40 CFR 262.11 – Hazardous Waste Determination

VIOLATION:

The facility failed to make a hazardous waste determination on waste oil absorbents and non-empty aerosol cans.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all waste oil absorbents will be managed as hazardous waste. Montco has elected to purchase an aerosol can puncturing unit and manage collected aerosol product residue as hazardous waste. [5/29/08 email]

40 CFR 262.20 – Disposal without a Manifest

VIOLATION:

The facility failed to properly manifest D001 hazardous waste non-empty aerosol cans and waste oil absorbents.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all waste oil absorbents will be disposed of as D001/D018 waste and that all spent aerosol cans will be punctured prior to disposal as non-hazardous waste. [5/29/08 email]

40 CFR 262.34(a)(3) – Accumulation Container Labels

VIOLATION:

The facility failed to label the storage tanks used to accumulate D001/D018 EBC still bottoms and waste vacuum pump oil on-site with the words "Hazardous Waste."

CORRECTIVE ACTION:

After the inspection, the facility provided information that all hazardous waste storage tanks have been properly labeled. [5/29/08 email]

40 CFR 262.34(c)(1)(ii) – Satellite Container Labels

VIOLATION:

The facility failed to properly label satellite hazardous waste accumulation containers used to accumulate D001/D018 waste vacuum pump oil with the words "Hazardous Waste" or with other words describing the contents.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all satellite hazardous waste accumulation containers have been properly labeled. [5/29/08 email]

40 CFR 265.31 – Reduce the Risk of Fire, Explosion, or Release of Hazardous Waste

VIOLATION:

The facility failed to clean up a release of waste vacuum pump oil and three areas of spilled material in the Drum Storage Building.

CORRECTIVE ACTION:

After the inspection, the facility responded to the spills, provided a written inventory of all the containers being stored, and transferred the identified CMA still bottoms to new drums for disposal as non-hazardous waste. [5/29/08 email]

40 CFR 265.174 – Weekly Container Inspections [40 CFR 262.34(d)(2)]

VIOLATION:

The facility failed to conduct weekly inspections of its 90-day hazardous waste containers.

CORRECTIVE ACTION:

After the inspection, the facility provided information that weekly hazardous waste container inspections are being conducted and documented. [5/29/08 email]

7-28-08

Christopher Bodin Date
Hazardous Waste Engineer
Site Inspector

7-28-08

Vicky G. Valade Date
Environmental Manager
Hazardous Waste Section

7-28-08

Ashwin B. Patel Date
Hazardous Waste Supervisor
Hazardous Waste Section

Photo 1

Photo 2

Photo 3

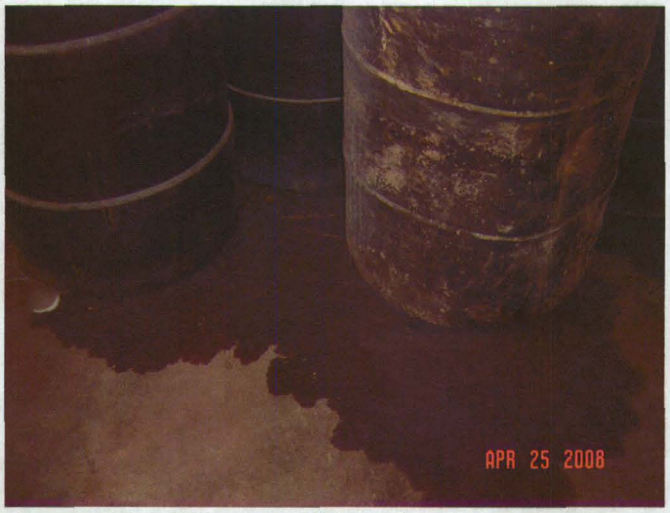

Photo 4

GENERATOR CHECKLIST

Facility Name: Montco Research Products Inc Date: 4-25-08

Facility Representative: Terry Clayton Facility ID #: FLD061 897 054

SIC Codes: 2899 Inspector: C Bodi

40 CFR 262 Subpart A -- General Standards

1. Describe the facility's hazardous waste streams:

WASTE DESCRIPTION	EPA Waste Codes	Generation Rate	Disposal Facility and EPA ID	Correct ID?	Testing or Process Knowledge
Production still (EBC) bottoms	D001 D018	3800 lbs/2mo	Lonestar Industries MOD981127319	Y	both
vacuum pump waste oil	D001 D018	1000/2mo	" "	Y	both
waste reagents Lab samples	D001 D018 F003	< 1 gal/mo	" "	Y	both
aerosol can residue	D001	< 1 gal/mo	combined with waste oil	Y	P
HCl acid	D002	4-5 Kgal/6mo	Giant Resource Recovery SCD036275626	Y	TP

(describe discrepancies in waste identification in narrative)

2. Has the facility obtained an EPA ID number? (40 CFR 262.12) Y ✓ N

3. Is the facility disposing of all its hazardous wastes to facilities permitted to accept the waste? Y ✓ N

4. Are any hazardous wastes treated or disposed of on site? Describe in narrative. Y N ✓

5. Is the facility exempt from hazardous waste permit requirements? Describe in narrative. Y N ✓

Facility:_____
Date:_____

40 CFR 262 Subpart B -- The Manifest

1. Does the facility use a manifest for all its hazardous wastes? (262.20) Y___ N✓ see report violation

2. Is the facility using the correct form (EPA 8700-22; OMB #2050-0039)? Y✓ N___

3. Does the facility ship by rail or water? (If so, check 262.23(c)) Y___ N✓

4. Is the manifest filled out properly? Y✓ N___

Item No.:

1.	-Generator EPA ID #	Y✓ N___
	-5 digit manifest document #	Y✓ N___
3.	-Generator name and mailing address	Y✓ N___
4.	-Generator phone #	Y✓ N___
5-8.	-Transporter names and ID #s	Y✓ N___
D-F.	-Transporter phone # (state requirement)	Y✓ N___
9.	-TSD name and mailing address	Y✓ N___
10.	-TSD # EPA ID #	Y✓ N___
H.	-TSD Phone # (state requirement)	Y✓ N___
11.	-DOT description of the waste, including hazard class, ID # and packaging group	Y✓ N___
12.	-Container # and type	Y✓ N___
13-14.	-Quantity of waste and units	Y✓ N___
I.	-EPA waste code (state requirement)	Y✓ N___
K.	-Handling codes (state requirement)	Y✓ N___
16.	-Name, handwritten signature of generator and date	Y✓ N___
17-18.	-Name, handwritten signature of transporter and date	Y✓ N___
19.	-Are any manifest discrepancies noted?	Y___ N✓
20.	-Name, handwritten signature of TSD and date	Y✓ N___

Number of manifests examined 7
Number of errors 0

Note manifest document numbers and dates of manifests with errors below:

Manifest #	Date	Destination	Error(s)

5. Have any exception reports been filed? (262.42) Y___ N✓
   If so, did exception reports include legible copy of manifest and cover letter? Y___ N___ N/A✓

6. Are manifests retained for 3 years? Y✓ N___

Facility:_____
Date:_____

40 CFR 262 Subpart C -- Pre Transport Requirements

1. Does the facility accumulate the waste on-site prior to treatment or disposal? Y ✓ N_____
   Select the applicable accumulation units: (1) 3000 gallon AST
   (1) 1000 gallon AST
2. Are containers used to ship the waste off-site? Y ✓ N_____
3. Are any containers on-site prepared for shipment? Y ✓ N_____
   a. If so, are the containers appropriate for the waste? (262.30) Y ✓ N_____ N/A_____

   b. Are the correct diamond-shaped DOT hazard class container labels used? (262.31) Y ✓ N_____ N/A_____

   c. Are containers of 110 g or less marked with the correct DOT shipping name and number? Y ✓ N_____ N/A_____
   Is a label with the language required under 262.32(b) used? Y ✓ N_____ N/A_____
   Is the generator's name, address and manifest document number on the label? Y ✓ N_____ N/A_____

   d. Are placards available to be provided to the transporter? (262.33) Y ✓ N_____ N/A_____

   e. Are bulk packagings used (over 400 kg solid or 118 g liquid)? Y ✓ N_____ N/A_____

   f. Are they marked and placarded properly? Y ✓ N_____ N/A_____

40 CFR 262 Subpart C -- Accumulation Requirements

1. Does the facility comply with the 90-day accumulation time limit? (262.34(a)) (Complete tank, container and/or drip pad checklists for units accumulating waste.) Y ✓ N_____
2. If not, has the facility been issued an extension by the Department? (262.34(b)) Y_____ N_____ N/A ✓
3. Is each container marked with the beginning date of accumulation? (262.34(a)(2)) Y ✓ N_____
4. Is each container and tank marked with the words "Hazardous Waste"? (262.34(a)(3)) Y_____ N ✓ violation see report
5. Are satellite accumulation points used? Describe in narrative. Y ✓ N_____
6. Are satellite containers closed ((262.34(c)) and marked with the words "hazardous waste" or other words that describe the contents? Y_____ N ✓ violation see report
7. Do satellite accumulation points hold 55 gallons of waste or less? Y ✓ N_____
8. If not, is the excess marked with the date the excess waste began accumulating? (The date must be within 3 days of the date of inspection (262.34(c)(2)) Y ✓ N_____ N/A_____

Facility:_____
Date:_____

40 CFR 262 Subpart C -- Personnel Training -- (265.16)

1. Do facility personnel complete hazardous waste training? Y ✓ N____
   Comments:
2. Is the trainer adequately trained in hazardous waste management procedures? Y ✓ N____
3. Does the training cover safety? Y ✓ N____
4. Does the training cover emergency response procedures, including equipment handling and inspection? Y ✓ N____
5. Does the training cover hazardous waste identification and handling procedures? Y ✓ N____
6. Does the facility maintain personnel training records? Y ✓ N____
7. Does the facility maintain job titles and position descriptions for employees managing hazardous waste? Y ✓ N____
8. Do the job descriptions include the requisite skills, education and experience ? Y ✓ N____
9. Do the job descriptions include a list of the positions' duties? Y ✓ N____
10. Are people trained within 6 months of hiring? Y ✓ N____
11. Do they work unsupervised prior to training? Y____ N ✓
12. Is training reviewed annually? Date of last training Feb 2008 Y ✓ N____
13. Are records maintained for three years? Y ✓ N____

265 Subpart C -- Preparedness and Prevention

1. Is there evidence of a fire, explosion or release of hazardous waste or hazardous waste constituents to the environment? (265.31) Y ✓ N____
2. Does the facility have an internal communication or alarm system? (265.32(a)) Y ✓ N____
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance? (265.32(b)) Y ✓ N____
4. Describe fire control equipment. Is it adequate? (265.32(c)) Y ✓ N____
5. Is spill control and decontamination equipment present? (265.32(c)) Y ✓ N____

Facility:_____
Date:_____

6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (265.32(d)) Y ✓ N_____

7. Is the emergency equipment inspected and tested periodically? Y ✓ N_____
Frequency? monthly

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (265.35) Y ✓ N_____

9. Has the facility made emergency response arrangements with the following: (265.37)

Fire Department:_____ Y ✓ N_____
Police:_____ Y ✓ N_____
Hospital:_____ Y ✓ N_____
Emergency Response Contractor:_____ Y ✓ N_____

10. If not, has the facility attempted to do so and is the refusal documented? Y_____ N N/A

265 Subpart C -- Contingency Plans and Emergency Response

1. Does the facility have a contingency plan? (265.51) Y ✓ N_____

2. Is it at the facility and easily available? (265.53) Y ✓ N_____

3. Does the plan include:

Fire Response Procedure:	N/A_____	Y ✓ N_____
Spill Response Procedures:	N/A_____	Y ✓ N_____
Explosion Response Procedures:	N/A_____	Y ✓ N_____
A description of arrangements with local authorities:	N/A_____	Y ✓ N_____
Emergency Coordinators: (Name) Terry Clayton		Y ✓ N_____
Addresses and telephone numbers of Emergency Coordinators:		Y ✓ N_____
Emergency equipment list:		Y ✓ N_____
Specifications and capabilities of emergency equipment:		Y ✓ N_____
Locations of emergency equipment:		Y ✓ N_____
An evacuation plan and routes:		Y ✓ N_____
Evacuation/alarm signals:		Y ✓ N_____

4. Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators,applicable regulations or contingency plan failures since the last revision? Y ✓ N_____

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (265.53) Y ✓ N_____

6. Is the emergency coordinator authorized to commit funds for incident response? Y ✓ N_____

Facility:_____
Date:_____

40 CFR 262 Subpart D -- Record keeping and Reporting

1. Is the generator keeping the following records:

Biennial Reports (262.41)	N/A_____	Y ✓	N_____
Exception reports (262.42)	N/A ✓	Y_____	N_____
Test Results:	N/A ✓	Y_____	N_____

2. Where are records kept? at facility

3. Who is in charge of keeping records? Name Terry Clayton
   Title Plant Manager

4. Any additional reporting, such as contingency plan implementation reports? (262.43) NA_____ Y_____ N ✓

5. Are records kept for a minimum of 3 years? Y ✓ N_____

40 CFR 262 Subpart E -- Exports N/A X

1. Has the facility exported any hazardous waste? Y_____ N_____
2. Has the exporter notified EPA 60 days prior to the initial shipment? Y_____ N_____
3. Has the receiving country consented to receive the waste? Y_____ N_____
4. Has a copy of the EPA Acknowledgment of Consent accompanied the shipment? Y_____ N_____
5. Did the shipment conform, and was the manifest completed as required by 40 CFR 262.54? Y_____ N_____
6. Has the exporter received confirmation of delivered shipment? Y_____ N_____
7. Has the exporter submitted an annual report to EPA? Y_____ N_____
8. Are all records kept a minimum of three years? (262.57) Y_____ N_____

40 CFR 262 Subpart F -- Imports N/A X

1. Has the facility imported any hazardous waste? Y_____ N_____
2. Has the manifest been completed per 262.60(b)? Y_____ N_____

Facility Name:_____
Inspector:_____
Date:_____

40 CFR Part 265 Subpart I - Use and Management of Containers

1. Are the containers in good condition (265.171)? (Check for leaks, corrosion, bulges, etc.) Yes ✓ No ____

2. If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container? Yes ✓ No ____

3. Is the waste compatible with the containers and/or its liner (265.172)? Yes ✓ No ____

4. Are the containers kept closed except when adding or removing wastes (265.173(a))? Yes ✓ No ____

5. Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak (265.173(b))? If yes, explain using narrative. Yes ____ No ✓

6. Are each of the containers inspected at least weekly? (265.174) Yes ____ No ✓ violation see report

Are records kept including: (62-730.160 (6) F.A.C.)

- Date? Yes ____ No ✓
- Time? Yes ____ No ✓
- Legibly written name of the inspector? Yes ____ No ✓
- Number of Containers? Yes ____ No ✓
- Condition of containers? Yes ____ No ✓
- Notes of observations made? Yes ____ No ✓
- Date and nature of repairs or corrective actions? Yes ____ No ✓

7. Are ignitable and reactive wastes stored at least 50 feet from the property boundary? (265.176) Yes ✓ No ____

8. Are incompatible wastes stored in the same containers? Yes ____ No ✓

9. Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance? (265.35) Yes ✓ No ____

10. Is there sufficient aisle space allow to allow full inspection of the containers and labels? (62-730.160(7) F.A.C.) Yes ✓ No ____

Facility: Monticello Research Products Inc.
Date: 4-25-08

TANKS SYSTEMS CHECKLIST FOR GENERATORS

40 CFR Part 265, Subpart J - Tank Systems

NOTE: If multiple tanks exist, list each tank and specify compliance or noncompliance on the facility's site plan. Indicate on site diagram which tanks are not in compliance.

1. Are tanks presently used to accumulate waste? Y ✓ N ____

2. Are there any exempt tank systems present (Closed-loop Recycling System - 261.4(a)(8))? Y ____ N ✓

3 Assessment of the integrity of existing tank systems (265.191):

a. Number of existing tank systems without secondary containment (265.193) in operation, or for which installation commenced on or prior to July 14, 1986? Ø

b. Number of existing tank systems without secondary containment (265.193) in operation, or for which installation commenced on or prior to the date the contained waste became hazardous (after 7/14/86)? Ø

c. Are assessments on file for each of these tank systems (a & b)? Y ____ N N/A

If yes, do the following apply?

(1) Assessment conducted by 1/12/88? Y ____ N ____

(2) For wastes becoming hazardous after 7/14/86, was assessment on tank containing such waste conducted within 1 year after the date the waste became hazardous? Y ____ N ____

(3) Certification(s) by independent, qualified, and registered P.E.(s)? Y ____ N ____

(4) Integrity assessment(s) results?

not leaking? ____

unfit for use? (see item #8) ____

Comments:

4. New tank systems or components (265.192): N/A

a. Number of new tank systems or components installed or put into use after 7/14/86? Ø none

b. Are assessments on file for each of the new tank systems or components? Y ____ N/A

If yes, do the following apply:

(1) Assessment(s) certified by an independent, qualified, registered P.E.? Y_____N_____

(2) Assessment(s) include the following information:

Design standards (including secondary containment) unless a variance-265.193(g) has been received? Y_____N_____

Factor affecting corrosion potential of tanks or components in which the external shell or any external metal component is in contact with soil or water (determined by a corrosion expert)? Y_____N_____

The type and degree of external corrosion protection that is needed to ensure the integrity of the tank system(s) or components(s) described above (determined by a corrosion expert)? Y_____N_____

A determination of design or operational measures that will protect underground tank system components against potential damage from vehicular traffic? Y_____N_____

Design considerations to ensure that tank foundations will maintain the load of a full tank? Y_____N_____

Tank systems will be anchored to prevent flotation or dislodgement where it is placed in a saturated zone or is located within a seismic fault zone? Y_____N_____

Tank systems will withstand the effects of frost heave? Y_____N_____

c. Are certification statements by a qualified installation inspector or qualified registered professional engineer on file to attest:

(1) to proper tank system or component installation,tank system tightness, and that necessary repairs were performed if needed? Y_____N_____

(2) That backfill, used for underground tank systems or components, was made up of noncorrosive, porous and homogeneous materials that were placed properly around the system or component to ensure proper support? Y_____N_____

(3) That ancillary equipment has been supported and and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction? Y_____N_____

(4) That the type and degree of corrosion protection necessary was provided, based on the certified design assessment of the system? Y_____N_____

(5) That an independent corrosion expert ensured the proper installation of a corrosion protection system if it was field-fabricated? Y_____N_____

d. Has secondary containment been provided as required in 265.193 (see Item #6)? Y_✓_N_____

(1) Has a variance (265.193(g)) been obtained from secondary containment? Y_____N_____

Facility:_____
Date:_____

Comments:

5. Containment and detection of releases (265.193).

NOTE: Tank systems storing hazardous waste that contain no free liquids and are located within buildings with impermeable floors are exempt from these requirements (265.190(a)).

a. How old are the existing tank systems? ~30 years

(1) If not known, what is the age of the facility? —

b. How many existing systems are being used to store or treat dioxin containing wastes: F020, F021, F022, F023, F026, and F027? none

c. Are there any existing tank systems which are used to store or treat materials which became hazardous wastes after 1/12/87? Y_____ N ✓

(1) How many? N/A

d. Use the guidelines in 265.193(a)(1)-(5) to determine when secondary containment meeting the requirement of 265.193 is to be provided (use narrative explanation sheet if necessary). Has secondary containment

e. Have any variances (265.193(g)) from secondary containment been requested for existing tank systems? Y_____ N ✓

f. Are leak tests meeting the requirements of 265.191(b)(5) conducted annually for non-enterable underground tanks without secondary containment? Y_____ N N/A

g. Are leak tests as described above, or internal inspections or other tank integrity examinations done by an independent, qualified, registered P.E. annually for all other types of tanks systems and ancillary equipment? Y_____ N_____

h. Are records of the results of leak tests or other tank integrity assessments kept on file? Y_____ N_____

i. Were any tank systems or components found to be leaking or unfit for use as a result of leak tests or other assessments? Y_____ N_____

NOTE: If the answer is yes, refer to item #8 - Response to leaks or spills and disposition of leaking or unfit-for- use tank systems (265.196).

Comments:

6. Secondary containment systems (265.193(b)-(f)).

a. Has secondary containment been provided for any tanksystem or component (see Items 4.d., 5.d, and 9.f)? Y ✓ N_____

b. If yes, has the containment system been:

(1) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during its use? Y ✓ N_____

(2) Capable of detecting and collecting releases andaccumulated liquids until the collected material is removed? Y ✓ N_____

c. To satisfy b., has the containment system been:

(1) Constructed of or lined with materials that are compatible with the waste(s) to be contained? Y ✓ N_____

(2) Provided with sufficient strength and thickness to prevent failure due to pressure gradients, physical contact with waste it is exposed to, climatic conditions, the stress of installation, and the stress of daily operations including vehicular traffic? Y ✓ N_____

(3) Placed on a foundation or base capable of providing support to the system, resistance to pressure gradients above and below, and protection against failure due to settlement, compression or uplift? Y ✓ N_____

(4) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of waste or accumulated liquid into the secondary containment system within 24 hours or at the earliest practicable time based on existing leak detection technology and site conditions? Y ✓ N_____

(5) Sloped or otherwise designed or operated to drain or remove liquids resulting from leaks, spills, or precipitation? Y ✓ N_____

d. Which device below is used to provide secondary containment for tanks? (Check those that apply.)

(1) A liner (external to the tank)
(2) A vault
(3) A double-walled tank
(4) An equivalent device approved by the DEP.

e. If an external liner system is used, has it been:

(1) Designed or operated to contain 100% of the capacity of the largest tank within its boundary? Y_____ N N/A

(2) Designed or operated to prevent run-on or infiltration of precipitation into the system? Y_____ N_____

NOTE: If the containment collection system has sufficient excess capacity - able to contain precipitation from a 25-year, 24-hour rainfall event - this feature is not necessary.

(3) Determined to be free of cracks and gaps? Y ✓ N_____

(4) Designed and installed to completely surround the tank and to cover all surrounding earth to prevent lateral and vertical migration of waste? Y✓ N_____

f. If a vault system is used, has it been: N/A

(1) Designed or operated to contain 100% of the capacity of the largest tank within its boundary? Y_____ N_____

(2) Designed or operated to prevent run-on or infiltration of precipitation into the system (see note above)? Y_____ N_____

(3) Constructed with chemical-resistant water stops in place at all joints (if any)? Y_____ N_____

(4) Provided with an impermeable interior coating or lining that is compatible with the accumulated waste to prevent migration into the concrete? Y_____ N_____

(5) Provided with protection against the formation and ignition of vapors within the vault if the wastes being accumulated are ignitable or reactive? Y_____ N_____

(6) Provided with an exterior moisture barrier or otherwise designed or operated to prevent migration of moisture into the vault (if it is subject to hydraulic pressure)? Y_____ N_____

g. If double-walled tanks are used, are they: N/A

(1) Designed as an integral structure so that the outer shell will contain releases from the inner tank? Y_____ N_____

(2) Protected, if constructed of metal, from corrosion on the inner tank interior and outer shell exterior? Y_____ N_____

(3) Provided with a built-in, continuous leak detection system capable of detecting a release within 24 hours or at the earliest practicable time based on existing technology and site conditions? Y_____ N_____

Comments:

7. General operating requirements (265.194).

a. Is there any evidence of ruptures, leaks, corrosion, or failure in the tank system or ancillary equipment? Y_____ N✓

NOTE: If the answer is yes, explain in the narrative report.

b. Are appropriate controls and practices such as the following used to prevent spills and overflows from tanks or secondary containment systems:

(1) Spill prevention controls (e.g, check valves, dry discount couplings, etc.)? Y✓ N_____

(2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank)? Y__✓__N_____

(3) Maintenance of sufficient freeboard in uncoverd tanks to prevent overtopping by wave, wind action, or precipitation? Y__✓__N_____

c. Have any leaks or spills occurred in a tank system or its ancillary equipment? Y_____N__✓__

NOTE: If the answer is yes, explain what steps were taken in response to this situation in the narrative report (see item #9 - 265.196).

Comments:

8. Inspections (265.195). Did not document inspections

a. Does the owner/operator inspect the following, each operating day, where present:

(1) Overfill/spill control equipment (e.g. waste-feed cutoff systems, bypass systems, and drainage systems)? Y__✓__N_____

(2) Aboveground portions of the tank system to detect corrosion or releases of waste? Y__✓__N_____

(3) Data gathered from monitoring equipment and leak detection equipment (e.g. pressure and temperature guages, monitoring wells)? Y__✓__N_____

(4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g. dikes) to detect erosion or signs of releases of hazardous waste (e.g. wet spots, dead vegetation)? Y__✓__N_____

b. Are cathodic protection systems, if present, inspected according to the following schedule: N/A

(1) Six months to confirm the proper operation of the cathodic protection system after the initial installation, and annually thereafter? Y_____N__N/A__

(2) Every other month to inspect sources of impressed current? Y_____N_____

c. Are the inspection results documented in the operating record of the facility? Y_____N_____

Comments:

9. Response to leaks or spills and disposition of leaking or unfit-for-use tank systems (265.196).

Facility:_____
Date:_____

a. If a tank or secondary containment system has a leak or a spill has occurred, was the system immediately removed from service and the flow of hazardous waste into the system immediately stopped? Y_✓_N_____

(1) If the release was from the tank system, was as much of the waste as necessary removed within 24 hours or at the earliest practicable time after its detection to allow inspection and repair to be performed? Y_____N_N/A_____ no spills or leaks

(2) If the release was to the secondary containment system, were all released materials removed within 24 hours or in as timely a manner as possible to prevent harm to human health and the environment? Y_____N_____

b. If there was a visible release to the environment, was a visual inspection conducted by the owner/operator? Y_____N_____

(1) Was further migration of the leak or spill to soils or surface water prevented? Y_____N_____

(2) Was the visible contamination removed and properly disposed of? Y_____N_____

c. Was the release to the environment reported to the Department within 24 hours of detection? Y_____N_____

NOTE: A leak or spill of less than or equal to a quantity of one pound of hazardous waste which is immediately contained and cleaned up is exempted from this requirement.

d. Was a report to the Department, as specified in 265.196(d)(3), submitted within 30 days for nonexempt releases? Y_____N_____

e. If a leak was the cause of a release, was the system repaired before being returned to service? Y_____N_____

f. If the leak caused a release to the environment from a component of a tank system without secondary containment was that component provided with secondary containment as specified in 265.193 before it was returned to service (see item #6)? Y_____N_____

NOTE: If the leaking component is aboveground and can be inspected visually, secondary containment does not need to be provided after repair.

If a component was replaced in order to repair the system, the owner or operator must comply with the standards for new tank systems or components 265.192 and 265.193 (see item #4).

g. Was a major repair performed to return the tank system back to service? Y_____N_____

(1) If yes, was a certification of this major repair done by an independent, qualified, registered P.E. before the system was returned to service? Y_____N_____

(2) Was this certification submitted to the department within 7 days after returning the system to service? Y_____N_____

Comments:

10. Closure and post-closure care (265.197).

N/A

a. At closure of a tank system, did the owner/operator remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste? Y____N N/A

Comments:

11. Special requirements for ignitable or reactive wastes (265.198).

a. Are ignitable or reactive wastes placed in tanks? Y ✓ N____

(1) If yes, are they treated, rendered, or mixed before or immediately after placement in the tank system so that:

The resulting waste, mixture, or dissolved material no longer meet the definition of ignitable or reactive waste and 265.17(b) is complied with? Y____N ✓

OR

The waste is stored or treated in such a way that is protected from any material or conditions that may cause the waste to ignite or react? Y ✓ N____

NOTE: If yes, use narrative explanation sheet to describe separation and confinement procedures. If no, use narrative explanation sheet to describe sources of ignition or reaction.

OR

The tank system is used solely for emergencies? Y____N ✓

b. Are protective distances maintained between the tank accumulation areas and any public ways, streets, alleys, or adjoining property lines that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code"? ✓ Y____N____

Comments:

12. Special requirements for incompatible wastes (265.199).

a. Is there evidence that incompatible wastes were in the same tank? Y_____N_✓_____

NOTE: If yes, use narrative explanation sheet to state the results (e.g. signs such as fire, toxic mists, heat generation, bulging containers, etc.) and whether 265.17(b) was complied with.

b. If a waste is to be placed in a tank that previously held an incompatible waste or material, was that tank washed? Y_____N/A_____

NOTE: If yes, describe the washing procedure on the narrative explanation sheet. If no, was 265.17(b) complied with?

Comments:

313104 File 12/16

Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

December 16, 2008

Mr. Han Sunoo, Vice President
Montco Research Products, Inc.
Post Office Box 235
Hollister, Florida 32147

Re: **Settlement of Montco Research Products, Inc.**
OGC File No. 08-2777
EPA/DEP ID: FLD 061 897 054
Putnam County – Hazardous Waste

Dear Mr. Sunoo:

Enclosed for your records is the signed Consent Order to resolve the above referenced case.

Thank you for your prompt attention in returning the signed Consent Order. Should you have any questions concerning the Consent Order, please contact Vicky Valade at the letterhead address or at 904.807.3379.

Sincerely,

Ashwin B. Patel, Supervisor
Hazardous Waste Program

ABP/db

Enclosure(s)

cc: Lea Crandall, OGC-TLH, MS #35
NED-JAX, Data Entry

Florida Department of
Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Mr. Han Sunoo, Vice President
Montco Research Products, Incorporated
PO Box 235
209 Janice Drive
Hollister, Florida 32147

SUBJECT: Proposed Settlement of Montco Research Products, Incorporated
EPA/DEP ID: FLD 061 897 054
OGC File No.: 08-2777
Putnam County – Hazardous Waste

Dear Mr. Sunoo :

The purpose of this letter is to complete the resolution of the matter previously identified by the Department of Environmental Protection (Department) in the Warning Letter No. WL08-2393HWSNY54NED dated July 30, 2008, a copy of which is attached. This letter does not address any other obligations or liabilities you may have pursuant to other Department statutes or rules, nor does it satisfy your obligations under Case Number 83-840-CA. The Department finds that you were in violation of the rules and statutes cited in the attached Warning Letter. The corrective actions required to bring your facility into compliance have been performed. In order to resolve the violations cited in the Warning Letter, you are assessed civil penalties in the amount of $4,800.00, along with $250.00 to reimburse the Department costs, for a total of $5,050.00. The civil penalty in this case includes one violation of $2,000 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return the original document to the Department at the address indicated above. The Department will then

countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by December 17, 2008, the Department will assume that you are not interested in settling this matter on the above described terms and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Gregory J. Strong
District Director

GJS:vv

I, Han Sunoo, with authority to bind Montco Research Products, Incorporated, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

FOR THE RESPONDENT:

Date: 12-9-08

Han Sunoo, Vice President
Montco Research Products, Incorporated

FOR THE DEPARTMENT:

Date: 12/12/2008

Gregory J. Strong
District Director

Entered into this 16 day of December 2008, in Jacksonville, Florida.

cc: Lea Crandall, OGC MS-35
Data Entry, DEP, Jacksonville

"FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged."

Dorothy Benefield 12/16/08
Clerk Date

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:
(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

140675 File 9/30

Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

JUL 30 2008

Mr. Han Sunoo, President
Montco Research Products, Inc.
PO Box 235
Hollister, Florida 32147

Re: **Montco Research Products, Inc.**
Warning Letter WL08-2393HWSNY54NED
EPA/DEP ID: FLD 061 897 054
Putnam County - Hazardous Waste

Dear Mr. Sunoo:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A hazardous waste program compliance inspection conducted on April 25, 2008, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached inspection report. The "Summary of Potential Violations and Corrective Actions" section of the report lists the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

You are requested to contact Christopher Bodin at 904.807.3370 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The DEP is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

CB OCULUS HW
Initials SG
Date 7-30-08

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. If after further investigation, the DEP's preliminary findings are verified, this matter may be resolved through the entry of Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the DEP's costs and expenses. In accordance with Section 403.727(3), Florida Statutes, the penalties, which could be assessed in hazardous waste cases, are up to $50,000 per day per violation. DEP costs are a minimum of $250.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through a timely entry of a Consent Order, under the DEP's agreement with the EPA, a formal referral for judicial action must be made to the DEP's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

Michael J. Fitzsimmons, Administrator
Waste Program

MJF:cb

Enclosure

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Compliance

FACILITY NAME: Montco Research Products, Inc.

DEP/EPA ID #: FLD 061 897 054

STREET ADDRESS: Janice Drive, Hollister, Florida 32147

MAILING ADDRESS: PO Box 235, Hollister, Florida 32147

COUNTY: Putnam PHONE: 386.325.5504 DATE: 4/25/08 TIME:10:00 a.m.

HW Facility Status	Used Oil Facility Status	Hg Facility Status
☐ Non-handler	☒ Generator	☒ Exempt
☐ CESQG	☐ Transporter	☐ Generator
☐ SQG	☐ Transfer facility	☐ Transporter
☒ LQG	☐ Marketer	
	☐ Processor	☐ Hg recovery facility
☐ Transporter	☐ On-spec. burner	☐ Hg reclamation facility
☐ Transfer facility	☐ Off-spec. burner	
		PCW facility status
☐ TSD	☐ Filter generator	☐ Producer
	☐ Filter transporter	☐ Transporter
☐ SQH	☐ Filter transfer facility	☐ Recovery facility
☐ LQH	☐ Filter processor	

2. RESPONSIBLE OFFICIAL: Han Sunoo, President

3. INSPECTION PARTICIPANTS: Terry Clayton, Montco

Christopher Bodin, DEP Ashwin Patel, DEP Missy Palcic, DEP

4. LATITUDE/LONGITUDE: N 29° 40′ 12.9″ / W 81° 47′ 30.6″

5. TYPE OF OWNERSHIP: private

6. SIC CODE: 2899

7. GLOSSARY OF TERMS:

CFR - Code of Federal Regulations

F.A.C. - Florida Administrative Code

F.S. - Florida Statutes

PROCESS DESCRIPTION (Potential Violations Listed in Bold):
Montco Research Products, Inc. (Montco) was inspected on April 25, 2008, as an unannounced hazardous waste compliance inspection. Montco was last inspected on January 19, 2001, as a Large Quantity Generator. The facility is currently operating as a Large Quantity Generator. The facility has been in operation at this location 1976.

Montco is a specialty chemical manufacturer that produces three chemical intermediate products in batch processes. Two of the products, chloromethyl-naphthalene (CMN) and ethylbenzylchloride (EBC) are regularly produced. The third product, alphanaphthaldehyde (ANA) is produced infrequently. The facility consists of an office building, a raw materials tank farm, an enclosed production building that houses the reactor and product distillation tanks within secondary containment, a laboratory, an equipment maintenance shop, a drum storage building, and a warehouse used to store equipment and some raw materials.

The raw materials used by Montco to produce these three products are considered confidential information. A list of these raw materials is in a confidential Department file. Constituents of the waste generated by the production process are not considered confidential because the waste manifests used by the facility to ship the waste for disposal are part of the public record.

INSPECTION:
Production Building
CMN is produced by adding proprietary raw materials to one of two 3000-gallon reactor tanks. The reaction process yields weak hydrochloric acid (HCL) and crude CMN. The crude CMN layer is pumped to a distillation tank. The distilled CMN is sold to customers that use it as an ingredient for making an oil well rust inhibitor. Some CMN is distilled twice for other customers that use it in formulating heart medication. The waste still bottoms become a solid at room temperature. The hot still bottoms are transferred to 55-gallon drums for disposal as non-hazardous waste. Giant Resource Recovery [SCD036275626] picked up 72 drums of CMN still bottoms on December 20, 2007.

The weak HCL is pumped to one of four 12,000-gallon storage tanks located in the tank farm. The weak HCL is regenerated by adding HCL gas to the weak HCL storage tank. The regenerated HCL is then reused in the production process. According to Mr. Clayton, the production process generates more HCL than is needed. The excess HCL is either sold as a product or disposed of as D002 waste when a reuse customer is not available. The last shipment of 4500 gallons of D002 waste HCL was on September 18, 2007.

The production of EBC is similar to the production of CMN. Proprietary raw materials are added to one of five reactor tanks. The reaction process yields a weak raw material solution layer and a crude EBC layer. The weak raw material fraction is strengthened through distillation and then returned to a EBC reactor process tank. Weak HCL is produced in this distillation step. The weak HCL is transferred to one of four 12,000-gallon HCL storage tanks located in the tank farm as described in the preceding paragraph.

The crude EBC layer is transferred to a separate distillation tank. The final liquid distillate is the EBC product which is sold for use as a disinfectant in a variety of products, such as shampoos and disposable wipes. The waste still bottoms are managed as D001/D018 waste and stored in a 3000-gallon above ground tank that is located inside the Production Building. At the time of the inspection, the waste EBC still bottom tank was labeled with the tank contents and accumulation date, but was not labeled with the words "Hazardous Waste."(Photo 1) **Failure to label hazardous waste accumulation containers/tanks with the words "Hazardous Waste" is a violation of 40 CFR 262.34(a)(3).**

The distillation process uses single feed, oil sealed, vacuum pumps. The twelve vacuum pumps are located in a covered secondary containment area next to the Production Building. Because the vacuum pump oil comes in contact with the EBC, the used oil is also managed as D001/D018 waste. Each vacuum pump has a satellite 55-gallon drum to collect the D001/D018 waste oil. At the time of the inspection, the waste oil satellite containers were not labeled. **Failure to properly label satellite hazardous waste accumulation containers with the words "Hazardous Waste" or with other words describing the contents is a violation of 40 CFR 262.34(c)(1)(ii).**

The waste oil is managed as D001/D018 waste and stored in a 1000-gallon above ground tank that is located inside the Production Building. **During the inspection it was observed that one of waste oil containers was full and some waste oil had overflowed down the side of the container and onto the secondary containment floor, which is a violation of 40 CFR 265.31.** According to Mr. Clayton, the maintenance staff was aware of the situation and was preparing to transfer the waste oil to the storage tank and clean up the waste oil residue. Mr. Clayton said the used absorbents were previously disposed of as nonhazardous waste. **Failure to make a hazardous waste determination on the waste oil absorbents prior to disposal is a violation of 40 CFR 262.11. A generator who offers for transportation, hazardous waste for offsite treatment, storage, or disposal that does not prepare a proper hazardous waste manifest is in violation of 40 CFR 262.20.** The waste oil and EBC still bottoms are combined in a tanker truck at the time of shipment. The facility generates and disposes of 3000 to 5000 gallons of D001 /D018 process waste every two months. The last shipment of D001/D018 oil and EBC still bottoms was picked up by Lone Star Industries [MOD981127319] on February 14, 2008.

The production of ANA is similar to the production of CMN. Proprietary raw materials are reacted in a 1000-gallon tank and then distilled. The ANA process generates a slightly acidic wastewater and waste still bottoms that are solid at room temperature. The still bottoms are disposed of as non-hazardous waste. The wastewater is neutralized and shipped offsite for disposal as non-hazardous waste with Industrial Water Services of Jacksonville. According to Mr. Clayton, the ANA product is a specialty chemical and infrequently produced. The facility has not produced any ANA in over a year.

Maintenance Shop

Repair and maintenance activities of pumps and motors are conducted in this building. Parts are cleaned with acetone or xylene on rags generating about two waste rags a month. Some aerosol products are also used, generating about one can every three months. According to Mr. Clayton, the used aerosol cans and used rags are disposed of in the trash non-hazardous waste. The non-empty aerosol cans would, at a minimum, be D001 waste. **[40 CFR 262.11] [40 CFR 262.20]** After the inspection, the facility provided information that an aerosol can puncturing unit will be used prior to disposal of the emptied cans as non-hazardous waste. The collected aerosol product residue will be managed as hazardous waste. [5/29/08 email]

Area of Concern: According to Mr. Clayton, the facility occasionally generates very small quantities of acetone and xylene and has disposed of the waste solvents in the EBC/waste oil. The facility is reminded that if any waste acetone or xylene is mixed with the EBC/waste oil for disposal, then waste codes D001 and F003 need to be listed on the waste container/tank label and the waste manifest.

HPLC Room

The facility conducts product testing in this analytical lab, which is located in the same building as the maintenance shop. Production samples are analyzed with gas chromatograph equipment. According to Mr. Clayton, the product samples are disposed of by adding to the D001/D018 waste oil.

Area of Concern: At the time of the inspection, two small bottles were observed inside the lab. One was an empty bottle labeled methanol and the other unlabeled bottle was identified as acetonitrile. The facility is reminded that all material determined to be hazardous waste should be stored in a labeled container. Waste methanol would carry the waste codes D001 and F003 and waste acetonitrile would have the waste code D001. The waste codes need to be listed on the hazardous waste storage container label and the waste disposal manifest. Also, during the inspection, the facility was storing above the HPLC Room, a 15-gallon container of xylenedichloride [CAS# 623-25-6]. According to Mr. Clayton, the product is not sold very often. The department recommends that

the facility periodically inspect the container's integrity and the quality of the product. The facility should conduct a hazardous waste determination prior to disposal of any waste xylenedichloride.

Drum Storage Building

The facility uses this covered building to store empty drums, raw materials, in-process product, and non-hazardous waste within secondary containment. According to Mr. Clayton, no hazardous waste is stored in this building. At the time of the inspection, many of the approximately 500 drums were not labeled, several were not in good condition, and the drums were not stored in a way that allowed proper inspection. **Also, there were three separate areas where material had been spilled onto the concrete floor, which is a violation of 40 CFR 265.31.** (Photos 2, 3, & 4)

Area of Concern: Without container labels and an up-to-date inventory Montco could not provide assurance that hazardous waste was not being stored or had not been released in the Drum Storage Building. The facility should maintain a written inventory of materials and containers being stored in the Drum Storage Building. The containers should be labeled and stored in a way that allows proper inspection. Routine inspections of the area should be conducted and any spilled material should be cleaned up as soon as possible. Montco is reminded that material being stored over one year may be subject to Speculative Accumulation regulations [40 CFR 261.1(c)(8)]

After the inspection, the facility has responded to the spills, provided a written inventory of all the containers being stored, and transferred 12 drums of identified CMN still bottoms to new drums for disposal as non-hazardous waste.

RECORD REVIEW:

All hazardous waste is being manifested under the facility's EPA ID# FLD 061 897 054. A review of the facility's manifests and Land Disposal Restriction (LDR) notifications revealed no discrepancies. A review of the facility's contingency plan and emergency arrangements with local authorities found them complete and up to date. The facility's training records indicated that employees had attended hazardous waste training. **At the time of the inspection, the facility could not provide documentation of inspections of hazardous waste storage areas which is a violation of 40 CFR 265.174.** Based upon the inspection and hazardous waste manifest records, Montco is currently a Large Quantity Generator (LQG) of hazardous waste.

SUMMARY OF POTENTIAL VIOLATIONS AND CORRECTIVE ACTIONS:

40 CFR 262.11 – Hazardous Waste Determination

VIOLATION:

The facility failed to make a hazardous waste determination on waste oil absorbents and non-empty aerosol cans.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all waste oil absorbents will be managed as hazardous waste. Montco has elected to purchase an aerosol can puncturing unit and manage collected aerosol product residue as hazardous waste. [5/29/08 email]

40 CFR 262.20 – Disposal without a Manifest

VIOLATION:

The facility failed to properly manifest D001 hazardous waste non-empty aerosol cans and waste oil absorbents.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all waste oil absorbents will be disposed of as D001/D018 waste and that all spent aerosol cans will be punctured prior to disposal as non-hazardous waste. [5/29/08 email]

40 CFR 262.34(a)(3) – Accumulation Container Labels

VIOLATION:

The facility failed to label the storage tanks used to accumulate D001/D018 EBC still bottoms and waste vacuum pump oil on-site with the words "Hazardous Waste."

CORRECTIVE ACTION:

After the inspection, the facility provided information that all hazardous waste storage tanks have been properly labeled. [5/29/08 email]

40 CFR 262.34(c)(1)(ii) – Satellite Container Labels

VIOLATION:

The facility failed to properly label satellite hazardous waste accumulation containers used to accumulate D001/D018 waste vacuum pump oil with the words "Hazardous Waste" or with other words describing the contents.

CORRECTIVE ACTION:

After the inspection, the facility provided information that all satellite hazardous waste accumulation containers have been properly labeled. [5/29/08 email]

40 CFR 265.31 – Reduce the Risk of Fire, Explosion, or Release of Hazardous Waste

VIOLATION:

The facility failed to clean up a release of waste vacuum pump oil and three areas of spilled material in the Drum Storage Building.

CORRECTIVE ACTION:

After the inspection, the facility responded to the spills, provided a written inventory of all the containers being stored, and transferred the identified CMA still bottoms to new drums for disposal as non-hazardous waste. [5/29/08 email]

40 CFR 265.174 – Weekly Container Inspections [40 CFR 262.34(d)(2)]

VIOLATION:

The facility failed to conduct weekly inspections of its 90-day hazardous waste containers.

CORRECTIVE ACTION:

After the inspection, the facility provided information that weekly hazardous waste container inspections are being conducted and documented. [5/29/08 email]

7-28-08

Christopher Bodin Date
Hazardous Waste Engineer
Site Inspector

7-28-08

Vicky G. Valade Date
Environmental Manager
Hazardous Waste Section

7-28-08

Ashwin B. Patel Date
Hazardous Waste Supervisor
Hazardous Waste Section

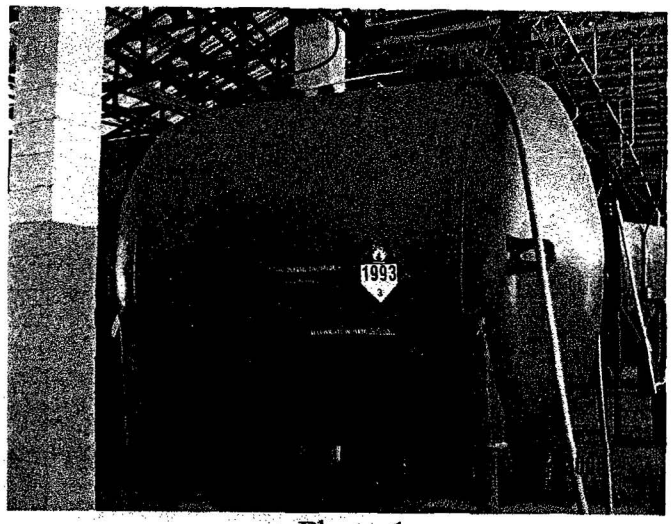

Photo 1

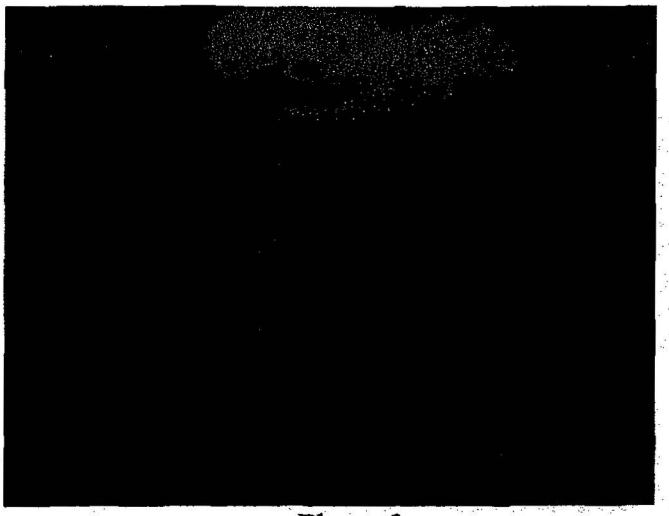

Photo 2

Photo 3

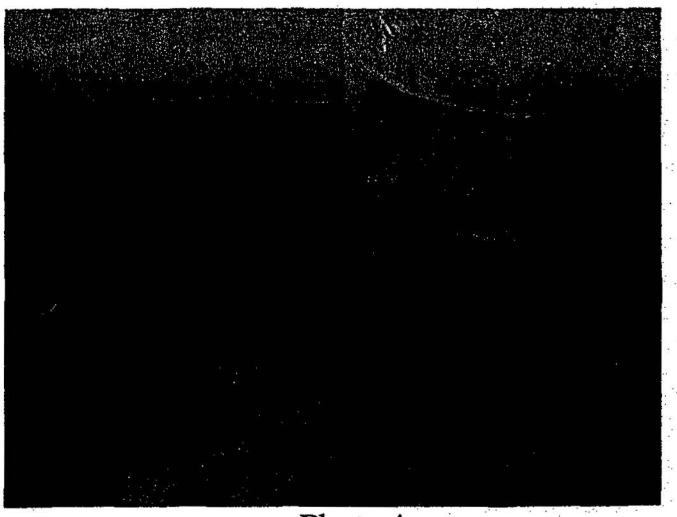

Photo 4